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In re Application of
Bernd Kowalski, et. al.
Application No. 09/403,689
Filed: October 22, 1999
Attorney Docket No. 2345/97

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on April 26, 2006, which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment (no fee) in the above-identified application. The delay in responding is regretted.

The above application was prematurely held abandoned for failure to file a proper reply to the Office action mailed November 28, 2005. A Notice of Abandonment was mailed on April 3, 2006.


A review of the record shows that a final Office action was mailed on March 21, 2005. Petitioner timely responded to the Office action by submitting an amendment, a notice of appeal and three months extension of time on September 26, 2005. An advisory action was mailed on November 28, 2005. However, petitioner had two months from the date of the notice of appeal, filed September 26, 2005, to file an appeal brief and fee. On April 26, 2006, petitioner timely submitted a Request for Continued Examination (RCE), an amendment and \$2,160 for a five months extension of time.

In view of the above, the petition is **GRANTED**. Accordingly, the holding of abandonment is hereby withdrawn and the application is restored to pending status.

This application is being revived for consideration of the RCE.

The application file is being referred to Technology Center Art Unit 2132, for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions